

UC-AFT PERSPECTIVE

UNIVERSITY COUNCIL-AFT/CALIFORNIA FEDERATION OF TEACHERS, AFT/AFL-CIO • VOLUME 14, NUMBER 1 • FALL 2001

The Legislature recognizes the important role non-Senate faculty play in the education of students at the UC. Therefore, to the extent that instruction is performed by non-Senate faculty, it is the intent of the Legislature that, as part of the funding provided to UC for instruction, adequate funding will be made available to support non-Senate faculty and to ensure that non-Senate faculty salaries, course loads, instructional equipment and support, and opportunities for professional development reach a level necessary to meet the continuing obligation of the University to offer its students the highest quality of education. It is further the intent of the Legislature that UC work with representatives of the non-senate faculty through the collective bargaining process to determine the level of resources needed to accomplish these goals and to develop a multi-year plan for accomplishing these goals, subject to the resources available to the University, and to report the results of collective bargaining on this issue by December 1, 2001.

— budget language passed by
California Legislature, 2001

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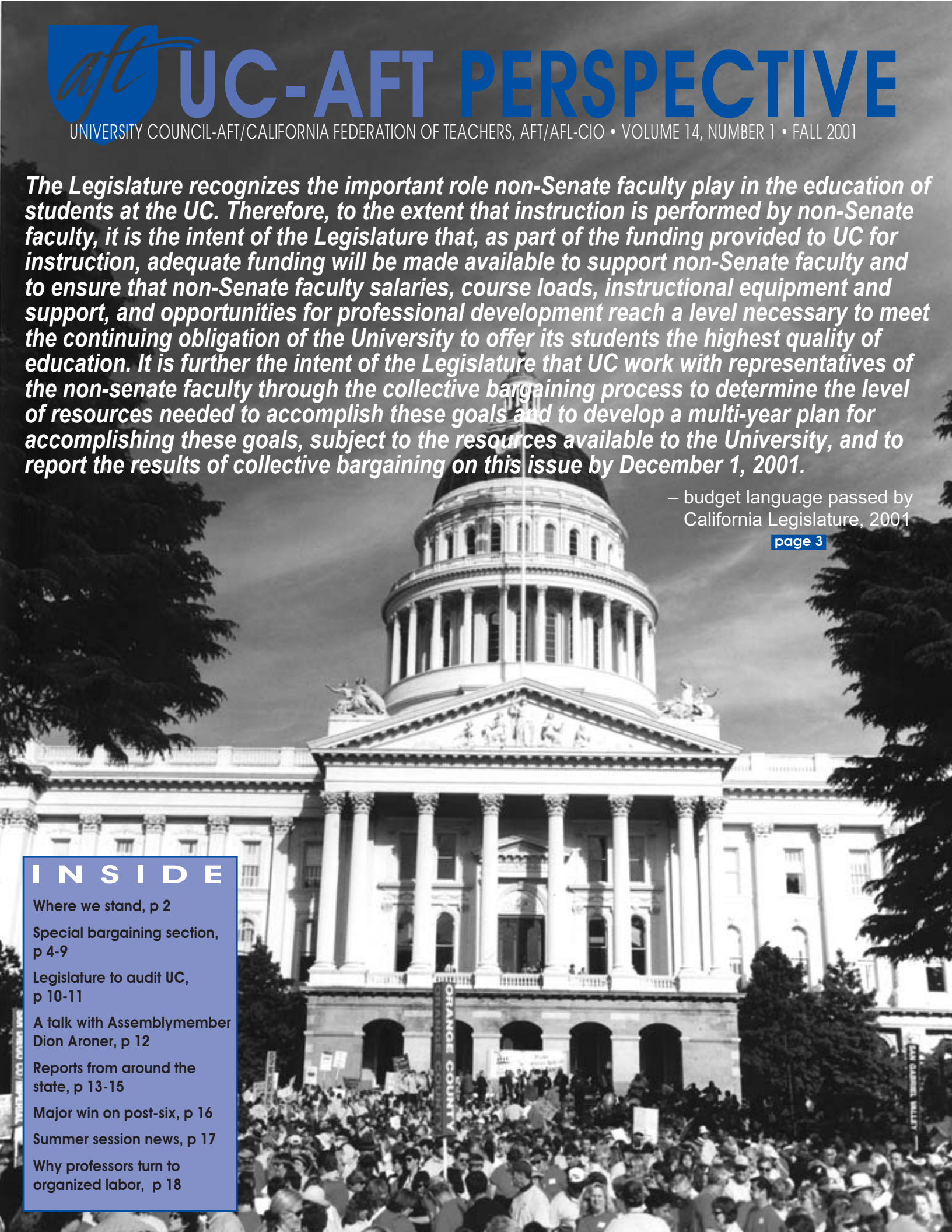
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JEREMY ELKINS, UC-AFT PRESIDENT



AT ISSUE: Where we stand

Dear Colleagues and Friends,

In the fall of last year, I wrote to you in this column that we were beginning not only a new academic year, but a new day for UC-AFT. We knew then that the challenges before us—of revitalizing UC-AFT as a professional organization that can properly represent the concerns of non-Senate faculty, librarians, and other faculty and academic employees—were great, and that our goals would not be met overnight. After a year, at the start of a new academic year, it is time to take stock of where we have been and where we are going.

The right staff

The first task of building an effective organization is having the right staff in place. In February of this year, we completed the process of hiring field staff and now have a representative on each campus. Many of you have already had the opportunity to meet, or work with, these campus representatives, and many of you have mentioned what a difference the staff has made. The field representatives have an enormously difficult task. They have to learn two different and quite complicated contracts and how to enforce them; they need to learn the peculiar ways of UC; and they need to communicate with those we represent, who have different schedules and who work all across very large campuses. Unfortunately, the University administration has shown creativity in finding new ways to undermine our contracts, so our field representatives have been kept busy indeed. Some examples:

◆ At San Diego, the administration adopted a policy of paying lecturers in summer school the same percentage of

salary that it was offering to Senate faculty and issued appointments at that level. When it then decided to change the policy, and to issue new appointment letters at a lower level, lecturers were outraged. Funeka Windsor, UC-AFT's representative at UCSD, worked with lecturers to gather information, which allowed UC-AFT to force a settlement in which the lecturers will receive the full amount they were originally offered. (See story on page 12.)

◆ At Davis, the Dean of Humanities sought to phase out all existing post-six year Writing lecturers, while denying appointments to lecturers coming up for their six-year review throughout the Humanities Division. The campus justified this policy with the spurious and ultimately discredited claim that Senate faculty would teach the courses, and with a plan to establish a system of rotating two-year post-docs to replace long-term lecturers. UC-AFT representative Richard Seyman has been working with UCD local president Kevin Roddy to organize members of the affected departments in a public campaign, while pursuing, with the help of executive director Rebecca Rhine, legal action. (See story on page 12.)

◆ At Santa Barbara, new post-six year non-Senate faculty who had been teaching full-time were offered 3-year appointments at 11%, which UC justified with unsubstantiated claims of a reduction in projected need. UC-AFT representative Allegra Heidelinde, working with former local president George Yatchisin, pressured UC to justify its projection of need or to increase the appointments, and continues to pursue the issue. Allegra has also been investigating cases of workload violations, including cases of

non-Senate faculty who have been assigned various administrative responsibilities without compensation.

◆ At Riverside and Irvine, UC-AFT representative Elizabeth Barba has been working with UCR local president Arlen Appleford to successfully

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On the cover, CFT members converge on the state Capitol for a demonstration earlier this year (photo: Russ Curtis)

President's message: *where we stand* (continued from previous page)

challenge several improper reviews and reductions in time for post-six year lecturers, and has worked on several complex librarian grievances. Elizabeth has also been kept busy helping to organize demonstrations and publish UCR's newsletter.

◆ At Berkeley, representatives Richard Seyman and Michael Eisenscher have been working with local members to respond to a host of new policies, many of which violate the MOU and which ultimately have been withdrawn. Richard and Michael have also been working hard to increase the level of communication among non-Senate faculty, including organizing a series of meetings to discuss bargaining updates and strategy.

◆ At Santa Cruz, representative Robert Weil has been working with local leadership in organizing demonstrations and other public informational activities and in increasing the level of member participation.

◆ At UCLA, representative Kwazi Nkrumah has been investigating grievances in several departments. He has also been engaging in public outreach with the press and student and community groups to increase awareness of non-Senate faculty conditions and the implications of those conditions for educational quality.

One of the major roles of field representatives is to act as liaisons between the campuses and the statewide organization. This involves both communicating to the executive director and statewide leadership problems that arise at the local level, and keeping the campuses informed of statewide developments. For those who have not yet met your campus field representative, or who would like to hear more about what the union is doing or talk about issues that are of concern, I encourage you to give your campus representative a call. UC-AFT represents all Unit 18 non-Senate faculty and all Unit 17 librarians (as well as hundreds of Senate members

and other academic employees who are not part of either unit) and you do not need to be a member of UC-AFT to call upon your campus representatives. Even if you do not have a particular issue that you wish to discuss, call just to say hello and to introduce yourself.

As you may know, last year, we hired our first executive director, Rebecca Rhine, and a director of organizational development, Michael Eisenscher (who also shares the responsibility for representing the Berkeley campus). As of the end of the August, Rebecca left her full-time position with UC-AFT in order to spend more time with her family, but she has continued to work with us on a part-time basis during September. During her tenure at UC-AFT, Rebecca was involved with every aspect of the organization's work. She helped to train staff, negotiate both the Unit 17 and Unit 18 contracts, enforce existing contractual provisions, create an infrastructure for the union, and press UC-AFT's concerns in Sacramento. We will miss her work.

I am pleased to welcome aboard our new executive director, David Twedell. David is a lawyer by training and has represented a variety of unions as legal counsel. A number of years ago, he decided to work full-time in the labor movement and has worked for several unions in both Texas and California. David brings a wealth of experience to the job and we look forward to his working with UC-AFT.

Building a new relationship with UC

For many years, the University administration has taken advantage of the relative weakness of UC unions. For years, we have gone to the bargaining table with modest proposals for improvements to our contracts,

only to be told that "the University has no interest in discussing the issue." As a consequence, salaries for both non-Senate faculty and librarians, often too low to begin with, have eroded over the years; job security for non-Senate faculty has been undermined; workload has increased on several campuses; instructional support has declined; non-Senate faculty professional development has been virtually non-existent; and large portions of both contracts have been unenforceable because of the lack of third-party review. Non-Senate faculty members have been treated as though they were guest workers rather than full members of the UC community. Librarians continue to be threatened with de-professionalization of their jobs.

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Questions & answers on NSF bargaining

Report from the front: non-Senate faculty negotiations

It has now been a year and a half since negotiations began for a new Unit 18 non-Senate faculty contract. ("Non-Senate faculty" includes lecturers and other members of Unit 18.) After many years of collective experience with the abuses and the failures of the existing system, the bargaining team went to the table with what we considered to be reasonable proposals for reform. We explained in great detail the problems in the current structure, and we explained how our proposals would improve both the conditions of non-Senate faculty and undergraduate education at UC. We asked to hear any concerns the administration had with our proposals and offered to find mutually satisfactory solutions. On the more complex issues, we offered to form task forces, to meet in smaller groups and to bring in the Academic Senate for consultation.

What we found in response was an absolute unwillingness to acknowledge any significant problems in the current system. Again and again, we were told that there were no serious abuses relating to appointment and reappointment that could not be resolved within the present system, and that there is no need for arbitration to insure that the contract is properly enforced. We were also told that departments should retain the "academic judgment" to replace longer-term, experienced lecturers with newer and cheaper hires. We were told that a regular system of merit reviews and increases would "price existing non-Senate faculty out of the market."

Over the last six months, we have, therefore, begun to take more aggressive measures to bring about needed reforms to the present system. Because some Perspective readers may be new to the University and because others may not have followed the progress of these negotiations closely, what follows is a summary of negotiations to the present and a discussion of some of the actions we are now taking.

What are the major goals of the contract negotiations?

Currently, approximately half of the undergraduate courses at UC are taught by non-Senate faculty, and the large majority of those courses, by Unit 18 faculty. Many non-Senate faculty members have been at UC for 10, 15, or 20 years. Close to half of all courses taught by Unit 18 non-Senate faculty are taught by those who were hired at UC five or more years ago. And while some non-Senate faculty are indeed hired for temporary positions, many of the non-Senate faculty who have been at UC for even a few years are filling what are, in fact, long-term instructional needs. The University administration has projected that, over the next decade, student en-

rollment will increase by 60,000, and has indicated that it expects to hire 7,000 new faculty over that period. Many of these, as the administration acknowledges, will be non-Senate faculty.

But despite the University's reliance on non-Senate faculty for permanent instructional needs, and despite the presence of long-term non-Senate faculty, personnel policies are structured on – and reinforce – the myth that such faculty are essentially "temporary." Publicly, UC discounts its reliance on non-Senate faculty by claiming they are only interim while the institution searches for permanent Senate faculty. And under this fiction, the administration has refused to establish policies that recognize the actual role non-Senate faculty play within the institution. Unlike librarians and many other academic employees, non-Senate

faculty have no salary schedule (the University can appoint at any salary it wishes, from \$28,000 to \$95,000), no system of guaranteed merit reviews, no peer review, and no system for supporting professional development. Non-Senate faculty are the *only* employee group within the University whose members, no matter how long they work for the institution, must re-apply for their jobs at least every three years. Other serious problems exist in workload, access to instructional support and the marginalization of non-Senate faculty. But ultimately, these additional problems stem from a system that treats non-Senate faculty as guest workers rather than as genuine members of the campus community.

Our proposals are aimed at creating a system that treats non-Senate faculty

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as a genuine faculty—one with different responsibilities and prerogatives than Senate faculty, but no less a faculty for that reason. Recognizing non-Senate faculty as a faculty requires a professional salary scale, commensurate with education and experience, and a regular system of merit increases. It requires establishing workload levels reflecting the full set of demands made on non-Senate faculty and insuring that non-Senate faculty have access to the resources necessary for their jobs. It requires financial support for the professional development that is often expected of non-Senate faculty, one that is necessary for faculty to maintain a level of excellence, but which so far the University has only rarely provided. It requires that non-Senate faculty be integrated into the mainstream of campus life by treating them as “continuing” employees rather than as renewable independent contractors.

We recognize, of course, curricula change and course needs will vary over time. As those who occupy the more “flexible” portion of the instructional budget, and who, in some cases, are hired to teach courses that eventually may be taught using Senate faculty, we understand that there are times when even long-term non-Senate faculty will need to be laid off or reduced in time. But there are occasions in which staff, too, need to be laid off; yet no one considers staff, for this reason, to be “temporary” employees. We are not asking for tenure; rather, that when one has taught at the University for six years and has passed a major review, the non-Senate faculty member’s appointment should be considered on-going (i.e., “continuing”). The appointment level may be increased or decreased over time, but non-Senate faculty should not be the only employee group on campus

that has to reapply for their jobs every three years. Treating non-Senate faculty as a real faculty also means that departments should not attempt to eliminate three-year faculty members before the sixth year simply to avoid having long-term non-Senate faculty.

We have also proposed a professional salary schedule with regular increases and merit reviews. We have proposed reductions in maximum workload and a system for insuring that non-Senate faculty are properly compensated for all of the extra non-class-related duties they are asked to perform (serving on committees, conducting independent studies, administering labs, advising, etc.) We have proposed small annual professional development grants and occasional paid leave to pursue professional development related to one’s instructional duties. And we have proposed that the contract be fully arbitrable by a neutral party. (For a more specific discussion, including our proposed salary scale, go to www.cft.org/uc-aft and read “The Present Conditions of Non-Senate

Faculty at the University of California and an Overview of UC-AFT’s Proposals for Reform.”)

Who is on the bargaining team?

The bargaining team currently includes Jeremy Elkins (UC-AFT president, Santa Cruz); Mike Rotkin, (Santa Cruz); Kevin Roddy (Davis); Dale Flynn (Davis); Robert Samuels (Santa Barbara); Susan Griffin (UCLA); Rob Hennig (UCLA); Arlen Appleford (Riverside). David Kuchta (UCSD) recently left the team when he moved to Maine.

Do members of the bargaining team get paid for their work?

No. Bargaining team members work on a volunteer basis. Most members of the team have been doing volunteer work for UC-AFT for a long time and have experience with the problems of the current system; several are local campus presidents.

How has bargaining progressed and what is the current status of the bargaining process?

The negotiation process for a new contract began in March, 2000, with the exchange of proposals between UC-AFT and the University administration. Formal meetings commenced in April. (UC-AFT had proposed that negotiations begin earlier than March, but the administration refused. The administration also rejected our request to provide either course release or priority class scheduling for our bargaining team, and refused our request to meet on Saturdays, which meant that we were limited to bargaining mostly on Fridays.) While the law requires both sides to bring representatives to the table who are empowered to make decisions, and while UC-AFT did so, the administration once again assembled a bargaining team composed almost entirely of campus labor relations representatives, with

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UCSC lecturers join rally demanding a fair contract in their academic robes (Jon Kersey, photo).

Lecturers' bargaining

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no one who was in a position to make policy decisions. Although we were told that UC's bargaining team was consulting with higher-level officials, much of this "consultation," we later discovered, simply misrepresented our proposals, framed them with arguments about why they should be rejected, and accepted any "resistance" to our proposals thus represented as final. For a year and a half, the administration has been unwilling to bring to the table a group with the authority to make decisions or to work with us to find solutions to the concerns raised by each side. After a full year, then, of "bargaining" (which consisted mostly in our explaining our proposals to these campus officials and the administration's chief negotiator, and

group taskforces to pursue in depth the issues that we were raising. The administration repeatedly refused all of our suggestions (and some of its own), until April of this year, when it agreed to our proposal to bring in a mediator. And because the meeting with the full teams was not producing any real progress, the administration and UC-AFT also agreed to meet in smaller groups to explore possibilities for resolving some of the issues. In order to encourage progress, we established ground rules that would allow either side to suggest informally possibilities for resolution that could then be taken back to a larger group for consultation, and to offer concessions on particular articles contingent on an agreement on the rest of the articles. The administration also agreed to include the leadership of the Academic Senate in discussions over issues concerning

various sorts of "academic judgments"—including issues of job security—and third-party review of "academic judgments." These discussions have been proceeding slowly—far too slowly in our view. There has been movement on some of the "smaller," but still important, proposals. But on the biggest issues

there has been not nearly enough movement.

What progress has been made on proposals?

Although we spent the first many months on the bigger issues we raised in our proposals – primarily, re-appointments – the administration has asked us to try to clear away some of the "smaller" issues before we returned to the larger issues. We have thus been working on such issues as access to the University's medical plan for non-Senate faculty hired below 50% and equity for non-Senate faculty hired on a quarter-by-quarter basis. We have agreed on arbitration provisions for several ar-

ticles. The University has now accepted our proposal for small annual professional development grants (although the dollar amounts are still being negotiated).

Now that we have been making some progress on these issues, we have returned to our core proposals. And it is here that the University has shown little willingness to move.

Salary and merit. The administration has refused to offer a salary scale. It wants to retain the existing "range system" in which departments can appoint at any level they choose within the range. The current range is \$28,400 – \$95,000. The administration has offered to raise the bottom of the range to \$29,800, which would affect only a very small portion of lecturers. To our proposal for regular step increases and merits, the administration has responded with a proposal for a 2% minimum merit increase every three years (or an average of .67% a year). And to add injury to insult, it has paired with this with a proposal that anyone not receiving a merit would be automatically terminated. This is the kind of cynical bargaining we are up against.

Reappointments. To our proposal for a system of "continuing appointments" for post-six year non-Senate faculty, the administration has responded with a proposal for a series of "rolling one-year appointments"—which would be substantially worse than the present system—and a reduction in the notice requirement for layoffs from a year to 90 days. The administration has flatly stated its refusal to institute any system—such as we proposed—of progressive discipline for termination of post-six year non-Senate faculty, in which a long-term member would be given warning and a reasonable opportunity to improve before being terminated for poor performance. (We believe that such a system is vital, particularly given the very subjective standards of "excellence" that some departments, divisions or schools employ.) The administration has rejected any system of peer review for either pre- or post-six year non-Senate faculty, despite the fact that one campus has already taken steps to institute such

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Lecturers and their supporters from other unions (and their families) at the rally (Jon Kersey, photo).

answering their questions), the University refused to respond to most of our proposals, except to reject them outright. The only major proposal which it responded to in any depth was our proposals for reforming the system of appointments (Article 7), to which the administration offered a proposal that would, in almost every respect, be worse than the existing system.

For months, we implored the administration to work with us to establish a better process for bargaining. We asked the administration to bring representatives of the Academic Senate into the discussion process. We asked the administration to consider small-

a system campus-wide and that many departments at UC have already successfully instituted such a system. And while the administration had previously informed us (and stated publicly) that any policies of eliminating pre-six year non-Senate faculty in order to avoid having post-six year appointments would violate University policy, the administration has rejected our proposal to include such a guarantee in the MOU. Indeed, the administration has now stated it believes that departments need to have the right to replace experienced non-Senate faculty with new hires in order to save money. The administration has also refused to respond in any constructive way to our workload proposals.

It is difficult to express the frustration of “bargaining” with negotiators who have no authority of their own and with an administration that refuses to bring to the table representatives who do have the authority to make decisions.

When we began these negotiations, we heard from you how bad the present system was, and we heard the need for change. This is the time to make those changes. We cannot settle for a contract that makes only marginal improvements in a few areas, maintains the status quo in most areas, and that in some respects is a step backwards from the existing system.

How long is the process likely to take?

It is difficult to say because the problem is on UC's side. We will not continue to engage in a process if there is no substantive progress. However, we have told the administration that, for the time being, we are willing to continue to meet if we see evidence of progress. However, we have also made it clear that we are

not prepared to continue a long process unless some immediate issues are resolved, including cost-of-living adjustments for Unit 18. Last year, the Legislature allocated 3-4% cost-of-living adjustments for UC employees, and while the administration has stonewalled at the table, the money it has been given by the Legislature sits in investment pools



Lecturers push a student on a gurney who is hooked into an IV in a campus demonstration. Left to right: lecturers Cissy Freeman, Roxi Hamilton, Conn Hallinan, and UC-AFT president Jeremy Elkins (Jon Kersey, photo).

gathering interest. UC-AFT's position is that Unit 18 employees should be given immediate cost-of-living increases, retroactive to October, 2000. If the administration is unwilling to do this, we will raise the issue with the Legislature and we will ask Unit 18 members to contact their legislators directly.

I was told that the University cannot give cost-of-living adjustments until the contract is fully settled. Is this true?

Absolutely not. The University may not unilaterally alter terms and conditions of employment. However, it may alter terms and conditions at any time, including during the process of bargaining, with the agreement of UC-AFT as the representative of Unit 18 employees. UC-AFT has proposed immediate cost-of-living increases while we continue to pursue some of the more complex issues in the negotiations.

What is the strategy for moving the process forward on other issues?

Having given the administration more than sufficient time to prove its good faith at the bargaining table, and having been disappointed, we have been moving towards more aggressive action. We have been pursuing concurrently several different, but complementary, approaches.

First, we have been working hard to raise our profile and our concerns with both the Legislature and the public. We have testified before legislative committees on the role of non-Senate faculty at UC, we have met with legislators individually in Sacramento, and a number of non-Senate faculty members have been meeting with legislators in their district offices. (For more on how you can join a delegation to meet with your legislator, see page 3.) We have been distributing informational literature to parents and students and we have been placing articles and op-ed pieces in newspapers around the state. This informational

campaign is intended to illuminate the central role that the non-Senate faculty actually play in the educational mission of the University, to juxtapose that role with the administration's treatment of non-Senate faculty (which it rarely refers to publicly as a faculty at all) as short-term “contract employees” or guest workers, and to emphasize the danger to educational excellence of a system that attempts to fill long-term instructional needs with short-term faculty and that seems designed to encourage rapid turnover of non-Senate faculty.

This general campaign is crucial in raising public and legislative consciousness. But we have also been engaged in more immediate attempts to expose the University administration's misrepresentation of the role of non-Senate faculty in educating students at UC. The administration is currently required to submit an annual

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"Undergraduate Instruction and Faculty Teaching Activity Report" to the Legislature. This report (at www.ucop.edu/planning) is largely a sham; it conceals the existence of non-Senate faculty—we are simply never mentioned—even while citing programs, several of which are staffed largely by non-Senate faculty, as evidence of improved faculty-student contact programs. And the report under-reports the percentage of courses that non-Senate faculty teach at UC. We have raised with the Legislature these concerns and the Legislature has now responded. On September 12, the Joint Legislative Audit Committee authorized the State Bureau of Audits to examine the raw data that the University administration uses in compiling its aggregate instructional workload reports. (See story on page 3.) We believe that this audit will provide a more realistic picture of the role of non-Senate faculty at UC.

The second track of our work has been to ask the Legislature to provide greater oversight of the way in which the University spends the money that the Legislature allocates for instruction. Despite the University's receiving almost \$2 billion this year specifically for instruction, we are constantly told by the University administration that there is not enough money to provide professional salaries, regular merit increases, decent workload levels, job security (because long-term, experienced non-Senate faculty cost more than new hires) and professional development for non-Senate faculty. This year, at our behest, the Legislature, for the first time ever, included language in its budget bill recognizing the role of non-Senate faculty in the education of students at UC, and expressing its intent that the University administration devote a

sufficient portion of the money it receives for instruction to insuring that non-Senate faculty are provided salaries, workload, instructional support and professional development commensurate with the obligation of the University to provide instructional excellence.

The provision also requires the University to report by December 1 of this year on the steps that it has taken during collective bargaining to

administration), a decent workload, and a system for professional development. It will continue to treat non-Senate faculty as an accumulation of courses, and to treat even long-term non-Senate faculty as short-term employees who must re-apply for their jobs every three years. As long as UC (both systemwide and at the campuses) can spend the public money that it receives with no accountability, it will continue to claim poverty whenever it comes to the

question of support for non-Senate faculty.

Putting our issues on the radar screen of the Legislature is a slow process. But we have now succeeded in building momentum and we achieved several important legislative victories. We hope that the administration (which, in our view, has not been acting even in its own narrowly defined best interests) will come soon to recognize that ultimately it will cost the University much more to

stall reform than to institute it. If, when the Legislature returns in January, we have not made significant progress in our negotiations, we will be seeking additional forms of legislative oversight and intervention.

Who can I call if I want to talk more about our proposals or hear more about the progress of bargaining?

If you would like to talk more about non-Senate faculty negotiations, or would like to have a meeting on your campus to discuss negotiations, please do not hesitate to contact your campus field representative (see page 2). The representative can arrange for campus meetings, can answer many of the individual questions you may have, and can put you in touch with a member of the bargaining team. You may also contact Jeremy Elkins, UC-AFT president, directly at (510) 548-0132 or at jeremyelkins@sbcglobal.net to discuss bargaining. We will be sending out, and posting on our website, updates on our negotiations as they proceed. ♦



UC-AFT vice president and Local 2199 leader Mike Rotkin explains lecturer bargaining position to local press (Jon Kersey, photo).

accomplish these goals. The University administration will, no doubt, claim that it does not have sufficient resources to accomplish these goals. So we have urged the Legislature to investigate the way in which the administration spends the money it has been allocated for instruction. The audit approved by the Legislature on September 12 will, therefore, also include a complete investigation of how the University administration has been spending its instructional funds.

Our strategy has thus been, on the one side, to reveal the true contribution of non-Senate faculty to education at the University of California; and, on the other, to expose the administration's refusal to treat that faculty as a real faculty. As long as the administration can successfully and misleadingly portray all lecturers and other members of Unit 18 as filling temporary gaps and short-term needs, it will be able to avoid establishing a salary scale, a real merit system (currently, even merit reviews are, except for twice in one's career, entirely at the discretion of the

Librarians renew their book

By Miki Goral, librarians' chief bargainer

The librarian contract agreed to in November 2000 continues in force until June, 2003. The bright, pumpkin-colored contracts were delivered to unit members in August. After prolonged discussions among the librarian bargaining team and members of the bargaining unit, we decided not to reopen the salary article in 2001.

The University agreed that if a salary augmentation above the range and merit funding is provided to other non-Senate employees, librarians in the bargaining unit will get a comparable augmentation.

In addition, unit librarians on most campuses may take advantage of the "catastrophic leave sharing programs" that give employees the opportunity to donate accrued vacation leave in support of colleagues who have exhausted their paid leave balances due to catastrophic illness or injury or in caring for a seriously ill eligible family member.

Issues of professionalism are always near the surface when librarians congregate. It is no different with UC librarians. We constantly find ourselves battling the forces of marginalization and deprofessionalization as administrators search for funds to finance more and more electronic resources at the expense of librarian staff.

Such topics should form the core of our union discussions in the future as we encourage creative approaches to address these concerns.

Lecturers mobilize

By Mike Rotkin, VP for legislation, UC-AFT

Frustrated by UC's intransigence at the bargaining table, non-Senate faculty and their supporters on several UC campuses have begun to mobilize. The direct action campaign has been evident on a number of campuses and, in the face of all-too-slow progress in bargaining, promises to spread to the rest of the campuses during the coming academic year.

At UC Santa Cruz, UC-AFT has organized a number of successful demonstrations over the past few months. In spring quarter, thousands of petitions and letters to legislators were sent by non-Senate faculty, Senate faculty, students and staff in support of improved working conditions for lecturers. AFT Local 2199 organized informational picketing at the campus entrance, which featured faculty wearing their academic robes. Later that day, fifty lecturers and an equal number of supporters participated in a march across campus that ended in a spirited rally at the Chancellor's office. Non-Senate faculty pushed a student on a gurney who was hooked to an IV with a banner attached reading: "UC Education on Life Support?"

Meanwhile, others carried banners and signs highlighting particular issues of concern. The rally offered several speakers including UC-AFT president and Legal Studies lecturer Jeremy Elkins, and a number of supporters from other on-campus and off-campus Santa Cruz unions. Participants demanded that the administration step up the pace of negotiations.

During the summer, when under normal circumstances not many lecturers are on campus, members of the Santa Cruz local leafleted an alumni wine tasting event, educating local alumni about the sorry state of salaries and working conditions for lecturers. The lecturers were met with universal statements of support from those being leafleted – with the exception of the Chancellor, who, when she realized that the leafleting was not part of the official event, took a leaflet and said, "Oh, OK, I know what this is about," and moved on.

At UC Riverside, non-Senate faculty and their supporters organized two demonstrations during spring quarter to bring campus and community attention to the Unit 18 negotiations. And at UC Berkeley, non-Senate faculty and librarians joined colleagues from UC Davis at a meeting to begin planning for fall demonstrations to protest the lack of progress in bargaining. Their work will focus on a number of events during Campus Equity Week at the end of October.

On campuses throughout the UC system, posters are appearing on non-Senate faculty office doors and around campus, informing students, visitors and other UC employees of the issues at stake in these negotiations and of the fact that non-Senate faculty have been working without a contract for over a year. A number of campus locals have had meetings with their state legislators, asking for legislative support for the non-Senate faculty at UC. Others are scheduling meetings in local district offices for the fall quarter. Membership in UC-AFT is growing rapidly, as is the commitment of non-Senate faculty to taking stronger measures to achieve the goals of our contract negotiations. As it becomes increasingly clear that only political pressure and direct action on the campuses will bring about a successful conclusion to our bargaining, UC-AFT locals across the UC system are preparing for additional legislative lobbying and more intensive concerted demonstrations during this coming academic year.

If you would like to participate in planning events on your campus or in joining a delegation to meet with your local legislative representatives, please contact your field representative.

UC-AFT takes its case to the Legislature – wins landmark lan

In the current budget year, the University of California will receive almost \$3.5 billion in funding from the State Legislature. But in this, as in every other year, the administration has cited poverty in rejecting UC-AFT's non-Senate faculty (Unit 18) proposals for a professional salary scale, reasonable workload levels, improved job security, professional development, and instructional support.

And publicly, the University administration continues to refuse even to acknowledge its reliance on non-Senate faculty, who we believe teach about half of the undergraduate courses at UC.

In its testimony before legislative budget committees and in the reports that it submits to the Legislature, the administration never mentions its long-term reliance on non-Senate faculty, intentionally conveys the impression that all non-Senate faculty are short-term hires who are employed while UC searches for Senate faculty, and under-reports the percentage of courses that non-Senate faculty teach.

This year, we worked hard to raise our profile in the Legislature and with the Governor's office, and to express our concerns that UC's treatment of non-Senate faculty not only belies the administration's claim to want to be a "model employer," but jeopardizes the historical commitment of the University to provide a first-class public education. UC-AFT has advocated that more of the University's resources be devoted to instruction in general, and, in particular, to non-Senate faculty.

Budget language

In July, the Legislature, for the first time ever, recognized in its budget language (reprinted on the cover of this issue) the contributions of non-Senate faculty, and formally expressed its intent that the administration commit more resources to improving the conditions for non-Senate faculty. This was an important step. However, we knew that the University administration would claim that it was doing all that it could do "subject to the resources available" to it. We believed it was about time that the Legislature and the public knew how the administration was actually spending the money it received for instruction. We pressed the issue

with members of the Legislature, and after many months of hard work, we were successful. On September 12, the Legislature approved a full audit of the University's instructional budget. The audit will examine the amount spent for actual instruction (as opposed to administration, which usually is paid out of instructional funds) and will track changes in spending on instruction over a multi-year period, measured against changes in student enrollment. The audit, in other words, will seek to determine how much of the increased funding UC receives for increased student enrollment actually goes for increased instruction. As part of this, the audit will also examine what percentage of the instructional budget is going for faculty salaries overall, as well as the percentage that is going to non-Senate faculty salaries. In addition, the audit will examine the data underlying the UC's annual instructional activities report in order to determine whether the report is misstating the contribution of non-Senate faculty to instruction.

This budget audit is the first time in recent history that the University has had to allow a third party to examine how it spends the almost \$2 billion in instructional funds it receives each year. In our view, the public, the Legislature and those who work to support the teaching mission of the University, have a right to know how UC spends the public funds it receives; and whether the University really cannot afford to establish the conditions necessary to offer students the highest quality education. We thank the Legislature for its concern in this area and we are proud to have played a central role in bringing accountability to an institution that too often forgets that it is, indeed, a public trust.

At right is an excerpt of the audit request, submitted by Assemblymember Jenny Oropeza (D-Long Beach) and approved by the Legislature. (The full text is at www.cft.org/uc-aft.) ♦



Legislative Scorecard: SB 1061: This year, the legislature passed SB 1061 (Alarcon), a bill co-sponsored by UC-AFT that would require the State Bureau of Audits to report annually to the Legislature on UC labor relations (including actions at the bargaining table.) This important piece of legislation would provide some measure of public accountability for the University. (As of this writing, the bill is on the Governor's desk.) Following is a list of legislators and their votes on SB 1061. Please write or call your legislator to let him or her know that you appreciate the aye vote or that you are disappointed by a "no" vote. It makes a difference.

Senate – Aye: Alarcon, Alpert, Bowen, Burton, Chesbro, Costa, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, O'Connell, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, Vincent. **Assembly – Aye:** Alquist, Aroner, Calderon, Canciamilla, Cardenas, Cardoza, Chan, Chavez, Chu, Cohn, Corbett, Correa, Diaz, Dutra, Firebaugh, FlorezFrommer, Goldberg, Havice, Hertzberg, Horton, Jackson, Keeley, Kehoe, Koretz, Liu, Longville, Lowenthal, Maddox, Matthews, Migden, Nakano, Nation, Negrete, McLeod, Oropeza, Papan, Pavley, Reyes, Salinas, Shelley, Simitian, Steinberg, Strom-Martin, Thomson, Vargas, Washington, Wayne, Wesson, Wiggins, Wright

Senate – No: Ackerman, Brulte, Haynes, Johannessen, Johnson, Knight, Margett, McClintock, McPherson, Monteith, Morrow, Oller, Poochigian. **Assembly – No:** Aanestad, Ashburn, Bates, Bogh, Briggs, Bill Campbell, John Campbell, Cogdill, Cox, Daucher, Dickerson, Harman, Hollingsworth, Kelley, La Suer, Leach, Leonard, Leslie, Mountjoy, Robert Pacheco, Rod Pacheco, Pescetti, Richman, Runner, Strickland, Wyland, Wyman

L NEWS

Language and audit of UC instructional funds and workload data

Bringing the message to legislators

UC-AFT members from around the state got to know their legislators a little better this year, as they met with their representatives to discuss issues of concern surrounding the

non-Senate faculty negotiations. UC

Santa Barbara members met

with Assemblymember

Hannah-Beth Jackson and

Senator Jack O'Connell;

UC Davis members

met with

Assemblymember

Helen Thomson;

UC Santa Cruz

members met

with

Assemblymember

Fred Keeley and

Senator Bruce

MacPherson; UC

Berkeley members

met with

Assemblymember

Dion Aroner and UC

San Diego members met

with Assemblymember

Christine Kehoe. These visits were

crucial in helping to educate members of the legislature on the crucial role that non-Senate play in fulfilling the educational mission of the University, and the

administration's treatment of this vital portion of its faculty. Many of the legislators expressed support for our efforts to improve the conditions for non-Senate faculty and several have already taken actions to help us, including (and importantly) calling the Chancellor from the UC in their district to urge quicker movement in the contract negotiations. This year, we need to make our voices heard even clearer and this is the time to do it.

From September 15 until January, the Legislature will be out of session, and legislators will be spending more time in their districts. This is a good opportunity to meet with your representatives to discuss the conditions of non-Senate faculty and to ask for support in moving the bargaining

Honorable Fred Keeley, Chair
Joint Legislative Audit Committee
1020 N Street, Room 107
Sacramento, CA 95814

Dear Chairman Keeley:

In 2000, the University of California (UC) reached an agreement with the Governor that provides for predictable increases in state funding for UC. As part of this agreement, the UC agreed to be accountable for meeting certain goals. Among the commitments made under the agreement, the UC agreed to increase the quality of undergraduate education and maintain the excellence, including the instructional excellence, of the University....

Each year, the University reports its expenditures in a format that is common to major American universities. However, reporting expenditures in this manner does not allow the Governor or the Legislature to measure the University's commitment to meeting the goals it agreed to in its 2000 partnership with the Governor. More specifically, the current reporting format is not useful to assessing the extent to which increases in state funding per student are reflected in higher per student expenditures on the University's core mission of teaching and research. Numerous adjustments would have to be made to the University's expenditure reports to highlight the University's increased financial commitment to its teaching and research activities. Several categories of expenditure would have to be isolated. First, those instruction and research activities funded with state funds would need to be isolated and the historical trend of the total of these expenditures would need to be tracked over a period of years.

I also have a concern that one of the fastest rising costs at the University is academic administration.... For the purpose of understanding the total costs devoted to these various categories, administrative costs must be totaled and tracked on a per student and per faculty basis.

Once the total cost of instruction and the total cost of administration are identified, the increases in these two categories of expense can be measured over time. During the years 1992-3 through 1996-97, the University suffered significant reductions in the amount of State appropriations. But since that time, in response to a more favorable budget picture at the State, and in response to increases in student enrollment, the Legislature and the Governor have acted to restore the level of these appropriations. So, one way to determine whether the University has met its commitment to the Governor would be to trend the University's expenditure of state funds on instruction, research and administration in 1990-2 (as a benchmark of the pre-contraction budget) and then over the years since 1996-97.

Another measure of the University's performance under the agreement with the Governor has to do with funds spent on faculty salaries. The funding formula used by the Legislature for instruction pegs the average cost of new faculty at the level of an Assistant Professor, step III - currently \$53,400 for each new 18.7 student full time equivalent (FTE). As a measure of the University's performance under the agreement with the Governor, I would be interested in having the State Auditor determine how much of the funds allocated for new instruction since 1997-98 has actually been spent on faculty salaries. I also believe that it is important to learn how much of the funds allocated for new instruction is being spent on salaries of various categories of instructors who are not members of the University Senate faculty (non-Senate faculty). As part of its annual reporting, the University provides several reports on instructional activities. These include data for all instructors.... However, there is a concern that some of the totals presented in the Instructional Activities Report are misleading. As part of the audit, I am interested in having the State auditor examine the University's Instructional Activities Report for the past three years in its audit report....

Sincerely,
JENNY OROPEZA
Assemblymember, 55th Assembly District

process along. If you would like to join a delegations to attend meetings with local legislators, contact your local field representative (see box on page 2.) ♦

Assemblymember Dion Aroner is a graduate of the University (Berkeley, Political Science), and now represents the 14th District, which includes the Berkeley campus. Recently, the Perspective talked with Aroner about the state of labor relations at UC.

Q: As a UC graduate, you have a personal, as well as a public, interest in the University, and UC Berkeley, your alma mater, is in your district. How would you compare the state of UC to when you were an undergraduate there?

A: I consider myself a member of the UC family, and when you are part of a family you get to tell them when they're doing well and when they're not doing well. I'm a graduate of the University and I'm very proud of that, and I'm very proud of the University academically. I think UC students today get a better education than I got.

Q: How do you view the governance at UC? Should the Legislature have more oversight?

A: I feel very often that the constitutional protection UC has is limiting what I think are good public policies today. I also think that the protections that are there theoretically to protect academic freedom, I find also sometimes to be just as objectionable as the constitutional division. I think that the administration and the faculty, sometimes, are very slow to pick up on what I believe are their responsibilities.

One of those responsibilities is to educate our students to be active citizens. I also believe UC has an obligation to meet our workforce needs, and that should be a decision that they participate in rather than let happen to them by outside resource decisions. I think the University has an obligation to make sure that there are enough workers to provide health and human services, for example. I don't think that UC meets that obligation well.

Q: What is your sense of why labor relations at UC aren't as good as they might be?

An interview with Assemblymember Dion Aroner



Sirlin Photographers

A: I happen to believe that the University is probably the worst public employer in the state. I believe that they are trying to do better. They have a long way to go.

Here you have an institution that believes they are a separate entity. They believe that their constitutional and academic freedom protections give them some allowance to think they can treat their employees differently than other employers. They think that there is something special about working at the University.

And there is something special about working at the University – you can ask the employees and they believe that – but that “specialness” doesn't give the University the right to run roughshod over their workers. The University has forgotten that it's a two-way street, and that is what has created the lack of confidence by the employees in how they view the administration.

Q: The University has dramatically increased its reliance upon non-tenure

track faculty. What is your view on why UC has done that?

A: The University is no different from any other large corporation. It's looking at its bottom line and asking, “How can we, given the revenue that we have, get the most for our money?” What happens is that they end up taking advantage of the very people they're going to rely on to provide the service that is most valuable, which is teaching. That certainly is what has happened here.

The Legislature holds hearings every year on what the University budget should be, and the administration comes to us and says, “With the growth that you're projecting and requiring us to handle, we need so many more FTEs.”

We say, “Okay,” and we presume that an FTE is an FTE, and that means we are going to get a full-time professor with all the respect and honor that that brings, and that the package includes that. And what we find out is that they bring in as a lecturer a person with the same qualifications, except that person did not get the benefits that the Legislature thought they were paying for.

Q: Is there anything that could be done to move UC to take more seriously its responsibility to improve the conditions for non-Senate faculty?

A: First of all, we need to “out” in the public arena as well as in the legislative arena exactly what is going on. I'm not so sure that all my colleagues recognize that when they fully fund the University, not all the money is going where they thought it was going. There's got to be an outing of that problem so that it becomes an issue when we are appropriating the 30 to 35% of the University's budget that they receive from the Legislature.

I think it's sad that the world's greatest public university only relies on the Legislature for 30 to 35% of its budget. And that may be one of the reasons why they think they can get away with it. It used to be that when I was a student the

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Local developments: news and activities from around the state

UC Davis writing program under attack

In July 2000, the new dean of Humanities at UC Davis decided upon a new cost-cutting plan for the English Department: slash the number of experienced non-Senate faculty in the Writing Program and replace them with TAs and visiting post docs. All eight of the lecturers up for renewed 3-year reappointments were reduced from full time to 53%, 43%, or 14%. The message was clear. All 30 long-time lecturers teaching writing were on their way to becoming "history."

UC-AFT members wasted no time in responding to the dean's attack. First, they engaged the dean and the administration in an informal but highly public discussion of the pedagogical cost of losing the 300-plus years' combined experience represented by Writing Program lecturers. Secondly, they informed the administration that the plan to replace long-time lecturers with two-year post docs constituted an unfair labor practice and that UC-AFT was prepared to file a charge with the state Public Employment Relations Board (PERB) if the plan went forward.

Between October and March, a series of opinion pieces and letters to the editor by Senate and non-Senate faculty addressed the issue in campus and community newspapers. Meanwhile, three separate evaluations were conducted of the Writing Program—a self-assessment by a committee within the program, an outside review by experts from two other universities, and a third by a campus-wide taskforce.

In mid-November the dean relented—in part. The current post-six Writing lecturers were, she now conceded, a valued resource and would retain their full-time positions. However, she insisted that no new post-six year appointments would be made—not only in Writing but across the entire Division of Humanities—with the ultimate goal of reducing by attrition the number of post-six year lecturers. Five lecturers—in Writing, Spanish, Russian, and Italian—up for their first six-year reviews (one of whom had received the distinguished

teaching award) would be the first victims of this new policy.

This was not an acceptable answer. UC-AFT insisted that denying post-six year appointments where the need was manifest was a violation of the MOU. UC, however, was adamant. From December through March there were hours of intense off-the-record talks. The union filed a formal charge with PERB, but agreed to put it in abeyance temporarily while negotiations on a new contract proceeded. The administration promised to give all five lecturers one-year appointments for 2001-2002, but also to conduct six-year excellence reviews which could be the basis for post-six year appointments under a new contract.

Recently, the compromise has begun to unravel as the administration has dragged its feet in conducting the agreed-upon six year reviews. If a new settlement is not reached, UC-AFT intends to proceed with the unfair labor practice charge.

One of the consequences of this whole episode has been to help further mobilize the non-Senate faculty at Davis. Sometimes it takes a threat, such as the one posed by the administration's new policy, to remind us of the power of, and need for, collective action. — *Richard Seyman*

UC Berkeley: organizing for respect

Like other locals, Local 1474 at UC Berkeley has been involved in the struggle to extract from UC a decent settlement for non-Senate faculty. Members distributed flyers at the annual "Staff Appreciation Day" and at new student orientation sessions. They also provided material for distribution by members to their students.

Several members, including treasurer Beth Sibley (Library), Jim Stockinger (Sociology) and Bart Grossman (School of Social Welfare), met with state representative Dion Aroner to explain how UC's failure to negotiate in good faith affects non-Senate faculty. Several members also participated in CFT's Lobby Day in Sacramento to raise consciousness among legislators about the issues at stake in bargaining.

The local has been involved in defending faculty who have been unfairly denied benefits and in resisting the introduction of policies that would



UC-AFT members (l to r) Karen MacLeod (UCSF), Jim Stockinger (UCB) and Lincoln Cushing (UCB). (Michael Eisenscher, photo)

have the effect of reducing benefits. A joint Berkeley/Davis summer BBQ was held at the Berkeley home of UC-AFT member Fred Choate (lecturer in Russian), at which members from both campuses got better acquainted and made plans for fall activities (see photo at right). — *Michael Eisenscher*

Union-building in the Southland: UC Riverside and UC Irvine

The local at UC Riverside recently scored two grievance victories for non-Senate faculty. In the first, a lecturer applying for her third 3-year contract was initially denied appointment by a new dean who ignored the strong

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Union-building in the Southland

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recommendation of the hiring department to reappoint. After a second Step 2 hearing late in the year, the denial was reversed and the contract was issued.

In the second grievance, a lecturer going through the six-year review was not recommended for a three-year contract by his department, despite a strong file and established need for courses he taught. The contract for that lecturer was approved just days after a comprehensive information request was issued to labor relations from the union.

This year, we have begun building a great Coalition of Unions at Riverside. We have already had two successful joint actions. The first was on May 11th, at a ribbon-cutting ceremony for the new Arts Building. Members from CUE

Loveridge, Mayor of Riverside, and Tom Mullen, Riverside Supervisor 5th District, were present, as were many other officials. The Coalition of Unions successfully crashed their party, joined by students from MEChA and other student groups. Many of the faculty and officials present put on union buttons to express their support.

At UC Irvine, a Coalition of Unions was recently established, including UPTE, CUE, AFSCME (American Federation of State, County, and Municipal Employees) and the UC-AFT. Our first joint action occurred August 28th at the All-Staff Picnic, where we tabled together to get our message out to all employees of UCI — and to University officials — that the unions at UC are working together to ensure that we all will receive fair and just contracts.

The Irvine local also has a new interim president.

Andrew Tonkovich, English and Comp Lit lecturer, comes to the UC-AFT with a strong background in unions and politics.

Many other members have asked to get involved in UC-AFT because of inequitable conditions they see or have personally experienced. Given this interest, we can expect have an active and strong local at Irvine. — *Elizabeth Barba*

less percentage of their regular salary, and of their concern for and dedication to the quality of education at UCSB. This meeting was followed by a telephone meeting between Chancellor Yang and the local president, George Yatchisin, to resolve the issue.

In June, five non-Senate faculty members met with Assemblymember Hannah-Beth Jackson to discuss the state of bargaining and ask Jackson for her assistance with the process.

Plans for Campus Equity Week (see related story page 17) are being discussed, in addition to fall activities to welcome new and returning unit members, as well as honor two members who have recently retired. Past local president George Yatchisin, and former vice president Patrick McHugh, have accepted positions outside of the bargaining unit. — *Allegra Heidelinde*

Lecturers regroup at UCLA

At UCLA, recent UC-AFT activity has largely focused on Unit 18, the non-Senate faculty bargaining unit. Several campus-wide meetings and social events were held during winter and spring quarters, which drew a number of non-Senate faculty together to discuss the contract campaign and the special problems and concerns of non-Senate faculty at UCLA.

General information on the Unit 18 contract campaign was distributed at a broad variety of campus events, including baseball games, lectures, seminars, film showings, and student demonstrations.

The local is moving to develop alliances with students, alumni, and others in the campus community to secure a better contract for non-Senate faculty and defend the quality of education at UCLA and throughout UC. — *Kwazi Nkrumah*

Rolling the union on at UC Santa Cruz

During the past spring and summer, UC-AFT has greatly expanded its public presence at UCSC, as well as strengthened its membership and level of activism.

(continued on next page)



Supporters sign petitions at UCSB (Sally Wilson Weimer, photo).

(Coalition of University Employees), UPTE (University Professional and Technical Employees), and some graduate students joined members from the UC-AFT in passing out flyers and holding up posters alerting the crowd and invited officials that we are working without a contract. The demonstration was silent but made its point so clearly that it received coverage in the *Press-Enterprise* as well as in the campus paper, *The Highlander*.

Our second action at UCR was on June 11th, at the annual dinner meeting of the Citizens University Committee. Richard C. Atkinson, Ronald O.

UCSB: equity issues spark frustration

At UC Santa Barbara, Local 2141 members kicked off the summer by presenting several hundred signed petitions to the UCSB director of summer sessions, Loy Lytle, and to Joel Michaelsen, chair of the Chancellor's Committee on Year-Round Enrollment.

The petitions addressed the pay inequity facing non-Senate faculty members scheduled to teach courses during summer session. Nine members attended the meeting and spoke of their frustration with teaching the same courses as Senate faculty for a far

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In late March, some 20 or so UC-AFT members staffed tables at seven of the UCSC colleges, informing students of the conditions faced by non-Senate faculty and asking them to support our demand for a fair and prompt contract.

As a result, some 150 members of the student body wrote letters to state legislators, and 475 signed petitions to UC, while hundreds more took literature to inform themselves and to share with others.

In mid-April, about 50 UC-AFT members and an equal number of student and staff supporters marched through the campus, ending with a rally at the main library, where the Office of the Chancellor is located, to protest the refusal of UC to bargain in good faith with the non-Senate faculty negotiating team. Music, chants, talks, and a student riding on a gurney with an IV in his arm, representing the precarious state of education at UC, helped to attract both print media and TV coverage.

In late-April, several UC-AFT members leafletted the annual Spring Fair, passing out over 2,500 brochures to incoming students and their parents. The same month, several of our members participated in a CFT Lobby Day in Sacramento.

In July, we leafletted an Alumni Association wine tasting, attended by the Chancellor, and also laid plans for a similar week of action at Shakespeare Santa Cruz performances in August. These activities spread our message to broader segments of the University and its surrounding communities, as well as to members of the state Legislature.

Throughout the spring and summer we have had a steady growth in our membership in both the librarian and non-Senate faculty units, with existing members becoming increasingly active in recruiting their colleagues, carrying out public actions, and distributing union materials, has been expanding. — *Robert Weil*



Lecturers Farnaz Fatemi (left) and Roxi Hamilton (right) at a UCSC rally demanding UC bargain in good faith (Jon Kersey, photo)

Summer session cuts provoke anger at UCSD

In spring 2001, UCSD issued summer session appointments to non-Senate faculty. Although faculty signed these contracts presuming that they would be paid at the specified rate of pay, the appointments were subsequently rescinded and new appointments issued at a lower pay rate.

The explanation offered some lecturers was that the first contract was a "calculation error." Other lecturers were told that the UCSD Department of Labor Relations directed the summer session administrators to rescind the original contracts because UC was in negotiations with the union.

This was a blatant attempt by UC to use ongoing non-Senate faculty negotiations as an excuse to cut summer salaries. UC-AFT has repeatedly encouraged the University to implement salaries at higher rate for the summer session contracts. And it previously won agreement in writing from UC to do so on a non-precedential basis. Non-bargaining unit members, summer session lecturers only, inquired about how, and if, they could join UC-AFT and provided valuable information to challenge the University's action.

UC-AFT promptly began discussions with University officials in an attempt to settle the matter without having to file an unfair labor practice, when the University refused to change its policy. We are close to a settlement in which the University would pay the full amount of the original appointments.

— *Funeka Windsor*

Aroner interview

(continued from page 12)

University got about 60% of their funding from the Legislature. I think maybe that's part of why the University may not feel as beholden to the Legislature as they used to, because they have to go elsewhere to look for their funding. That's something that all voters have to grapple with. If we are going to hold them to a higher standard, then we should also be holding ourselves to a higher standard in terms of how we fund them. But at this point, it is time for the Legislature to understand that the commitments we think we are making to the University are not necessarily being reciprocated by the administration in regards to how they spend those funds. I'm hoping that maybe we can hold hearings in the coming year to start looking at this.

Q: The Legislature appropriated almost \$3.5 billion to UC this year, yet it is almost impossible to tell how that money is spent. Do you support an audit?

A: I think that the audit, whatever it shows, can become the basis for hearings by the Higher Education Committee so that when we make the decisions during the budget process to appropriate money that the money really goes for what it is supposed to fund. And the message to the University is that it's not in any way to be spent elsewhere in your budget. We meant it to be for full-time faculty and that's what we want you to hire. Money's not to go to your bottom line, nor to be diverted elsewhere.

Q: While librarians have won a contract at UC, lecturers been bargaining for over a year with no agreement. Do you see any ways to get UC to come to a resolution?

A: I am very concerned about that. I have been very involved with the University, and have worked with their bargaining team and urged them to try to resolve some of those disputes. I am prepared to do that again. I think other members of the Legislature are very concerned as well. ♦

Major win preserves post-six year reappointment

The core of the current collective bargaining agreement (Memorandum of Understanding, or MOU) between the University and UC-AFT is the appointment and reappointment article (Article 7). That article provides that after a non-Senate faculty member has taught for 6 years, the University is required to undertake a review – the so-called “eye of the needle review” – of his or her teaching performance. If the performance of the faculty member is deemed excellent and there is a “continuing or anticipated need” for non-Senate faculty instruction, the faculty member has a right to a three-year appointment.

In spite of this provision, UC has never fully accepted the principle of job security for long-term non-Senate faculty. It continues to adopt policies intended to circumvent the intent of Article 7, and UC-AFT has had to litigate each of these new policies. After a two-and-a-half-year legal battle initiated by UC-AFT, UC recently agreed to rescind its latest attempt to undermine job protection. To help set the context of the current litigation, here is some history of the administration’s attempts to undermine Article 7.

The MOU was signed in 1986. Practically before the ink had dried, UCLA unilaterally began requiring that, as part of all six-year reviews, non-Senate faculty would have to compete in a new national search for their positions – despite the fact that they had already competed for their initial appointments and had been reappointed for six years. Because a new hire would begin the six-year clock anew, the consequence – and the clear intent – of such a policy would be that the University need never give post-six year appointments. In response, UC-AFT filed an unfair labor practice with the Public Employment Relations Board (PERB), and in 1988 an

administrative law judge ruled that the University’s new search requirement violated the MOU.

While this litigation was proceeding, two campuses in 1987 attempted to impose quotas on the number of post-six year appointments that departments could make. Again, UC-AFT filed an unfair labor practice. The administration claimed a desire to bring in “new blood,” but it eventually conceded that the goal of the quota policy was to replace longer-term lecturers with newer and cheaper hires. In 1991, after four years of litigation, PERB upheld UC-AFT’s contention that a quota on post-six year appointments violated the purpose of the

reappointments article, as well as an explicit assurance given by UC during bargaining that no quotas would be applied.

The latest round began in January 1999 when the Office of the President announced a new post-six year policy. While conceding

that post-six year non-Senate faculty who continued to be reviewed as excellent had a right to three-year appointments provided there was continuing need, the President’s Office announced that those appointments would not necessarily be *at the level of* actual need. That is, even if a campus knew it had an on-going need for 9 courses currently taught by a particular non-Senate faculty member, UC could offer a three-year appointment at 50%, 11%, 6%, even 1%, and then either augment it annually or hire new non-Senate faculty to teach the remaining courses.

UC-AFT believed that such a policy subverted the protections of the reappointment article, and it was concerned that several campuses had apparently already begun to implement the new policy. (For example, at Santa

Cruz, non-Senate faculty in one division were routinely being appointed at a maximum of 50% regardless of actual anticipated need. At Santa Barbara and Davis, the Writing Programs appeared to be reducing the appointments of post-six year faculty, and at Riverside there were attempts by particular departments to appoint at less than actual need.) UC-AFT filed an unfair labor practice charge and requested information from the University regarding implementation of this policy, then filed additional charges when the administration failed in its legal obligation to provide the information. Finally, this June, after two and a half years of litigation and under the threat of a PERB hearing, the administration agreed to a settlement by which post-six year appointments will be made at the level of actual need.

This important settlement preserves the protections of the existing contract during this period in which we are working without a contract. Of equal importance, it helps establish the baseline for our current negotiations. In response to our proposal for “continuing appointments” after six years, the administration has offered several proposals that it has claimed are improvements over our existing MOU, but it can make such claims only by interpreting the MOU as expressed in its unilateral January, 1999 policy. With the settlement agreement, the administration can no longer claim its proposals are improvements over the existing system — and has, indeed, been hard-pressed in the last few months to explain why its proposals (including a system of “rolling one-year contracts” for post-six year non-Senate faculty) are not, in fact, steps backward from the existing system.

This latest PERB victory is a reminder that UC has never accepted the principle of job security for excellent, long-term non-Senate faculty. It has become all too clear that it will continue to try to undermine the existing reappointment system, and all too clear why a fundamental reform of that system is necessary. ♦

2001 summer session: fairness prevails

UC-AFT has won major victories in a pair of disputes involving compensation levels for non-Senate faculty members providing instruction during summer session.

As we go to press, it appears that non-Senate faculty members on the San Diego and Santa Barbara campuses will receive significant increases in their summer session compensation, and that non-Senate faculty members on the other campuses will retain their traditional "parity" in summer school salary with their colleagues in the Senate ranks.

Taking it to the judge

At Santa Barbara, the campus increased per-course summer session rates from 8.5% of a Senate faculty member's nine-month salary to 11%. Although the prior formula had been the same for Senate and non-Senate faculty members, the campus initially declined to make the same adjustment for non-Senate faculty members. Because the Santa Barbara local mobilized non-Senate faculty members to express their outrage at this inequity, and made sure their story got to the press and local legislators, the campus agreed to apply the same salary increase for non-Senate faculty members. UC-AFT and UC are currently negotiating over future summer school salaries.

At San Diego, the administration issued summer session contracts to both Senate and non-Senate faculty members and then – months later – rescinded the non-Senate faculty members' contracts, explaining that an "error" had been made. The UC San Diego local discovered that some lecturers had falsely been told that the union was blocking UC's intention to give non-Senate faculty higher compensation.

UC-AFT then filed a charge with the Public Employment Relations Board, citing the University's illegal

unilateral change in reducing salaries as well as its illegal attempt to turn non-Senate faculty members against their representatives. A complaint is pending, and the parties are close to settling this claim upon payment to affected non-Senate faculty members of 100% percent of the money owed under the higher contracts.

A strong union membership is the best defense

Both situations show the disdain with which the University administration treats its non-Senate faculty. In both cases, the administration decided that it was acceptable to apply a lower percentage to non-Senate faculty members than to Senate members for rendering identi-

cal services. Because of UC-AFT's immediate response, this inequity was corrected. This issue will reemerge, however, as the administration has thus far only agreed to settle the issue of summer salaries for 2001. And the conversion to year-round instruction may raise similar issues.

In order to build on our success, further mobilization is necessary. Get involved at your local, make sure you are up to speed on events at bargaining, and report any changes in policies or practices to your campus rep. Member involvement in the work of UC-AFT is the only way to ensure that the non-Senate faculty members and librarians are treated with the respect and fairness they deserve.

Plugging in to public power

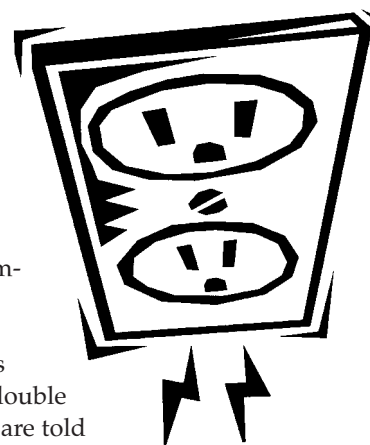
by Michael Eisenscher, Director of Organizational Development

At its convention in Los Angeles this year, the California Federation of Teachers passed a resolution calling for the "transfer of the power system into public ownership," and opposing "any bailout of the present corporations who control our power supply." UC-AFT has endorsed the resolution.

While we escaped the widely predicted summer blackouts, the "utility crisis" remains all too real as most Californians have seen whopping increases in utility bills. Moreover, household budgets are not alone in suffering the impact. As the state has thrown tens of millions of dollars into purchase of energy at record prices (providing windfall profits to the energy industry), the crisis has become the rationale for cutbacks in essential programs the state provides, including higher education. Employees of the

UC, CSU and community college systems take a double hit. We are told that we must forego badly needed wage increases and support for essential programs so the state can bail out the utilities.

Rather than spend billions of taxpayer dollars to bail out PG&E, Enron and the other utility/energy giants which have been bleeding the public, the people of California would be better served by using the state's power of eminent domain to take over these utilities to operate them in the public interest. Take the time to let your public officials know what you think about this issue. ♦



I am a manager, or so I'm told. As a tenured professor at a private university, I belong to a self-governing community of scholars. Why then would I imagine I need, of all things, a union?

In 1980 the Supreme Court, citing the collegial structure of the medieval university, ruled that Yeshiva University need not recognize its faculty union because professors are part of management. The decision choked off private-sector faculty organizing for two decades. But now this era may be ending. As part-time faculty members (not covered by the ruling) and graduate teaching assistants unionize, the professoriate at private institutions is reassessing its situation. Recently, in a closely watched case, the Manhattanville College faculty union was recognized by a regional division of the National Labor Relations Board; the ruling is under appeal. Even in 1980, the Yeshiva decision was

why professors turn TO ORGANIZED LABOR

By Ellen Willis

with its bottom line. Faculty members are regarded as employees who must be pressured to increase “productivity” by teaching more and larger classes at less pay and financing their own programs with outside grant money. Students and parents are seen as customers to be satisfied.

From the corporate viewpoint, traditional notions of shared governance and faculty autonomy are a nuisance that impedes administrative “flexibility.” Tenure is particularly galling, protecting both the “unproductive” and the insubordinate. So university administrators are doing their best to reduce faculty power. The number of tenured professors is rapidly shrinking relative to low-paid part-time and non-tenure-track instructors — who are excluded from academic governance — while a large percentage of undergraduate teaching is done by graduate students.

Faculty “authority” over hiring and promotion amounts to the right to make recommendations that are frequently overridden; professors are increasingly denied a role in appointing administrators. “Merit pay” has largely become “market pay,” based not on professors’ scholarly achievements as judged by their peers but on the demand for their services at other institutions.

Yet while the administrators of

supposedly inflict, they hope to keep full-time faculties not only from organizing themselves but from supporting union campaigns by graduate students and adjuncts.

At New York University, where I teach, impatience with this contradiction has led to a resurgence of faculty activism. When the NYU administration launched a scorched-earth campaign against the graduate assistants’ union, it ignored protests from the faculty. But after the NLRB certified the union, the administration considered refusing to bargain, on the grounds that it was morally bound to protect academic collegiality from intrusion by an outside organization. (The union is affiliated with the United Auto Workers.) By a large majority, professors who responded to a survey by the university’s faculty council urged administrators to bargain, arguing that the real threat to collegiality lay in their indifference to student and faculty sentiment, not to mention the prospect of a divisive strike. The administration decided to deal.

Recently, NYU’s board of trustees handpicked a new university president without benefit of a search committee that represented the NYU community, including the faculty. This violation of shared governance scandalized even conservative, anti-union professors. The Faculty of Arts and Science passed an official resolution condemning it. The campus chapter of the American Association of University Professors circulated a faculty petition. The board chairman’s response: “We fully understand the faculty point of view, and we reject it.” So much for professors as managers.

There’s an old labor movement saying: “The boss organizes the shop.” It promises to be as true of the academy as of the factory. ♦

Ellen Willis is a professor of journalism and director of Cultural Reporting and Criticism at New York University, and is president of the campus chapter of AAUP. Her latest book is Don't Think, Smile! Notes on a Decade of Denial (Beacon Press, 1999) This article first appeared in The New York Times, May 28, 2001. Reprinted with permission.



Librarians turned out to support the hotel workers of HERE Local 2 in San Francisco during the American Library Association's convention at the struck Marriott Hotel in mid-June. (Rory Litwin, photo)

anachronistic. Today it's undeniable that universities, public or private, are modeled not on medieval guilds, governed by their members, but on modern corporations. Policy is made by a president (read chief executive) and administrative bureaucracy accountable not to a community of scholars but to funders and the board of trustees. The corporate university is obsessed

private universities — especially prestigious research institutions — attack the reality of faculty governance, they need to preserve the appearance. Their reputation depends on it: the idea of a community of scholars is an integral part of their appeal to “customers.” And the rhetoric of collegiality remains their best defense against unions. By opposing the collegial ideal to the alien industrial mentality that unions

A message from President Jeremy Elkins

Where we stand (continued from page 15)

We (and the state Legislature) have been told by the University that it would like to have a better relationship with its employees and with those who represent those employees. We (and the Legislature) have been told that it wishes to be a "model employer," that it recognizes its failures in dealing honorably with its employees, and that it wants to begin a new era in labor relations. During negotiations on the non-Senate faculty contract, we have been told how much the University depends on its non-Senate faculty, how much more it will rely on non-Senate faculty in the future, and how appreciated the work of non-Senate faculty is to the institution. We have been told that the administration would like to find better ways of working to solve problems as they arise.

What we have found is that the rhetoric is far ahead of the reality. At the campus level, there is little or no incentive to reform present practices. At the systemwide level, those who are given the responsibility for working with employee representatives do not have the authority to bring the campuses into line. And President Atkinson and his most senior management have thus far refused to intervene or to make changes that would make the campuses accountable.

It appears that change will only occur when the administration comes to realize that the cost of intransigence is greater than the cost of accommodation, and that dysfunction is a liability, not a defense. We have been working hard to raise our profile within the Legislature, to call the administration to task for its more egregious policies, and to press for closer legislative oversight. Our work this year was quite successful. For the first time ever, the Legislature included specific budget language recognizing the role of non-Senate faculty in the education of students at UC and expressing its intent that the administration improve the conditions for non-Senate faculty. We co-sponsored SB 1061 (Alarcon), which requires the State Bureau of Audits to

report to the Legislature every year on the University administration's labor relations practices (including bargaining and unfair labor practice charges). (SB 1061 passed the Legislature this month and is currently on the Governor's desk.) And we successfully pressed for a full audit of the administration's expenditure of instructional funds and an audit of the data on instructional activity that the University (mis)reports annually to the Legislature. (See page 3.) We plan to continue these legislative efforts until the administration reforms its practices.

We have been aggressive on other fronts as well. After two and a half years of litigation, we recently settled a major unfair labor practice over the latest attempt to weaken the reappointment article of the non-Senate faculty contract. (See page 13.) We brought unfair labor practice charges over San Diego's reduction of summer school salaries for lecturers after the appointments had been made, and over UC Davis's attempt to eliminate post-six year lecturers. And we have been vigorously pursuing grievances on behalf of librarians and non-Senate faculty at several campuses. We have also been working to protect the interests of union members who are not in either of our bargaining units.

Still much work to be done

Relations with the University administration continue to be frustrating. It is frustrating for those who have tried in good faith to work with the University in order to find solutions to problems, only to find that, too often – as Gertrude Stein famously said about Oakland and that could now be the motto of the Office of the President, located in that city – there is simply "no there there." We still look forward to that "new era in labor relations" the administration trumpeted two years ago and that has, as of yet, not arrived either on the campuses or at the Office of the President. It is clear that if there is to be such a new era, it will not come easily or overnight, nor

on its own. But we are committed to fundamental reform in our relationship with the University administration. As our membership grows, member involvement increases, and we mobilize around issues of professional concern, we shall build on our successes this year.

During the last year, we have accomplished much. Our organization is stronger and more effective than ever before. Our visibility on the campuses, in the press, and in the Legislature is greater than ever, and growing. The results of our increased strength are already apparent in our legal and legislative victories and in some important, albeit gradual, changes in the University's attitude towards bargaining. There is still much to be done. The biggest issues at the Unit 18 bargaining table are still unsettled, and there are elements within the administration that remain resistant to real reform. The work is slow and hard, and the pieces of the puzzle are many. Faced with an administration that has had, up to now, little incentive for change, there are no quick fixes or simple solutions—in the fights that matter, there rarely are. But perhaps for the first time in our history, we have the opportunity, the resources and the commitment to bring about genuine reform. We have laid the foundation. And with your continued help, we will succeed.

But we do need your help: in the end, we are only as strong as our members. If you are not yet a member, please join us. If you are a member and would like to become more involved or learn more, please contact your local field representative or local leadership. And if you have been involved, thank you—and congratulations on helping to begin to move a mountain.



Jeremy Elkins
President, UC-AFT

Coming to a campus near you...

Higher Education Coalition plans week of action to push for equity

By Michael Eisenscher,
UC-AFT Director of
Organizational Development

An extraordinary coalition of academic organizations from across the US and Canada, including UC-AFT, has been organized to sponsor "Campus Equity Week," from October 28 to November 3. CEW is intended to focus attention on the conditions of poor pay, contingent work relationships and other inequities suffered by tens of thousands of dedicated faculty in higher education.

This coalition marks the first time members from all the major faculty organizations across the US and Canada have joined forces in an international campaign to promote faculty activism and to draw public attention to the deteriorating conditions under which they are required to work. CEW will raise the issues of fairness and quality of education. It will make the point that the working conditions for faculty are the learning conditions for students, and that all non-tenure

track faculty need to be treated as professionals.

Fairness & dignity

The Campus Equity Week coalition seeks to build a movement to encourage fairness and dignity for all members of the campus community. CEW also creates an opportunity to

over the innumerable ways our working conditions undermine UC's mission of providing the highest quality education in California. This week of activities can be used to increase public exposure of the administration's failure to bargain in good faith, and to pressure them to reach a satisfactory agreement.



generate public discussion about the effects of increasing corporatization of higher education.

UC-AFT members can use this week to raise the level of awareness on our campuses and among the public

Get involved!

UC-AFT locals are planning activities for Campus Equity Week, ranging from campus teach-ins on labor relations, to picketing, rallies, vigils and other creative ways to communicate our message that "excellence in education" requires that UC stop treating its first-class non-Senate faculty as second-class citizens.

To learn more about Campus Equity Week and to see a list of sponsoring and participating organizations, visit the CEW website at www.cewAction.org. Subscribe to the coalition's listserve by sending a message to cewAction-subscribe@topica.com. ♦

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